



DEPARTMENT OF THE NAVY  
CHIEF OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO

AUG 8 2003

MEMORANDUM FOR DISTRIBUTION

From: Chief of Naval Personnel

Subj: TRANSITION OF RESERVE ORDERS FROM MOBILIZATION (12302) TO  
VOLUNTARY STATUS (12301d, 12301h) – DECISION MEMORANDUM

1. Several situations will require that personnel involuntarily mobilized for ONE/OEF/OIF be retained on active-duty beyond the two-year cumulative limit of 10 USC 12302 and DoD policy. Scenarios include members reaching sanctuary during and as a result of mobilization, members requiring medical hold, members requiring legal hold, and members having unique skills required to fill requirements validated beyond two years. Pers-44M must notify N13 Community Managers of each member to be converted from 12302 to 12301d/12301h authority in excess of 179 days.

2. Sanctuary: Reservists who attain sanctuary under 10 USC 12686 cannot be involuntarily released from active duty until they become eligible for retired pay. Pers-9 will screen potential sanctuary cases and advise Pers-44M to demobilize reservists who are not approved to enter sanctuary. Pers-9 will also advise Pers-44M when reservists are approved for sanctuary or inadvertently attain it. Pers-44M shall then issue orders as follows:

Requirement Sustained: If a particular mobilization requirement remains valid beyond the two-year statutory limit of a Reservist serving under 10 USC 12302, and the Reservist supporting that requirement has reached sanctuary, orders will be modified by Pers-44M to reflect 12301d authority. Mob (DERF) funding may be used and the expiration date will normally coincide with the member reaching 20 years active service. Order modifications of more than 139 days will be PCS.

Requirement Not Sustained: If a mob requirement supported by a Reservist in sanctuary is terminated, and another valid mob requirement is available, the member will be reassigned via ORDMOD by Pers-44M per procedures above. If no valid mob requirement is available, the member will be passed to a cognizant detailee for assignment against world-wide community needs. PRC orders may be used when appropriate.

3. Medical-Hold: Reservists may require retention on active duty beyond the statutory limits of 10 USC 12302 to resolve medical conditions or to adjudicate disability evaluations (DES).

Fit: When expectations are that a Reservist will become "fit" for duty, Pers-44M will ORDMOD to reflect 12301h authority and continue using Mob (DERF) funding.

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Orders duration will be as directed by Pers-9 based on SMO recommendation, not to exceed 179 days.

Not Fit (MEB/PEB Expected): When DES processing is anticipated, Pers-44M will make an ORDMOD to relocate the member to one of five sites: Norfolk VA, Washington DC, Jacksonville FL, San Diego CA, or Bremerton WA. Based on SMO/Pers-9 consultation, Pers-44M will assign members to an area command, NRA, TPU, or MTF, as appropriate. Orders will not exceed 179 days. BUMED will expedite DES processing as a priority for quick resolution.

4. Legal-Hold: Reservists may require retention on active duty beyond the statutory limits of 10 USC 12302 to adjudicate legal situations. Cognizant commands and the servicing Trial Service Offices (TSO) will advise Pers-92 of the legal-hold situation. Pers-9 will direct Pers-44M to ORDMOD as required to relocate member if required. Pers-44M will ORDMOD to reflect 10 USC 802 authority and continue using Mob (DERF) funding. Orders duration will be as directed by Pers-9 based on NLSO recommendation, not to exceed 179 days.

5. Voluntary Extension beyond 12302 Mob Authority: When possible, Pers-44M will replace personnel whose authorized mob period under 10 USC 12302 has expired. Those few individuals who may be deemed mission-essential beyond the two-year point, will require voluntary ORDMOD extensions under 12301d (Contingency Operation). These voluntary extensions should be for a minimum of 140 days (PCS), and no more than one year. ADSW will not be authorized until 31 days after demobilization. Use of AT/ADT as a gap-filler is not authorized.

  
G. L. HOEWING  
Vice Admiral, U.S. Navy

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